

2. In June 2001, a parcel of land was taken in a trust-to-trust transfer for the benefit of the FSAT. The parcel is referred to as the “Apache Wye.” The legal description of this parcel is:

The NE $\frac{1}{4}$ of Section 33, Township 7 North, Range 11 West of the Indian Meridian, containing 160 acres, more or less.

3. The Apache Wye is a former Kiowa allotment that was purchased and taken into trust by the Federal Government for the benefit of the FSAT prior to the entry of the Settlement Agreement between the FSAT and the Comanche Nation on March 8, 2007. *See Settlement Agreement*, Doc. No. 51-4. It was not a subject of the Settlement Agreement.

4. The FSAT has been operating a business at the Apache Wye since May of 2018.

5. Pursuant to 25 C.F.R. § 559.2, and the gaming compact between the FSAT and the State of Oklahoma, the FSAT opened a gaming facility at the Apache Wye in June of 2022 called the Warm Springs Casino. The Warm Springs Casino is licensed to offer Class III gaming to its customers. Attached hereto as Exhibit A is a true and accurate depiction of the Warm Springs Casino gaming license which is displayed prominently in the facility.

6. The FSAT took all steps required by 25 C.F.R. § 559.2, Facility License Notifications and Submissions prior to opening the Warm Springs Casino.

7. The cost to the FSAT of building the Warm Springs Casino and bringing it to operation was approximately \$6 million.

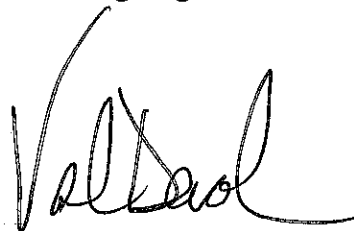
8. Closing of the Apache Wye Warm Springs Casino would have a substantial negative impact on the FSAT's ability to provide services to its citizens. Specifically, the FSAT will have to cut back spending on higher education benefits, welfare services and healthcare for its elderly citizens, childcare programs, COVID relief, healthcare, funeral assistance, and other social services.

9. The approximately 800 members of the FSAT will almost certainly be denied benefits and services they would otherwise receive should a preliminary injunction be entered, closing the Apache Wye Warm Springs Casino.

10. There are at least twelve (12) casinos within one hour's drive of the Apache Wye Warm Springs Casino including: (1) Kiowa Casino Carnegie; (2) Gold River Casino; (3) Kiowa Casino Verden; (4) Golden Eagle Casino; (5) Comanche Spur Casino; (6) Comanche Nation Casino; (7) Apache Casino Hotel; (8) Chisholm Trail Casino; (9) SaltCreek Casino; (10) Newcastle Casino; (11) Riverwind Casino; and (12) Goldsby Gaming Center.

11. While it fluctuates based on need and personnel issues, the Warm Springs Casino employees approximately twenty (20) individuals.

I declare under penalty of perjury that the foregoing is true and correct. Executed July 6, 2022 at Edmond, Oklahoma.

A handwritten signature in black ink, appearing to read 'Valerie R. Devol', written over a horizontal line.

Valerie R. Devol

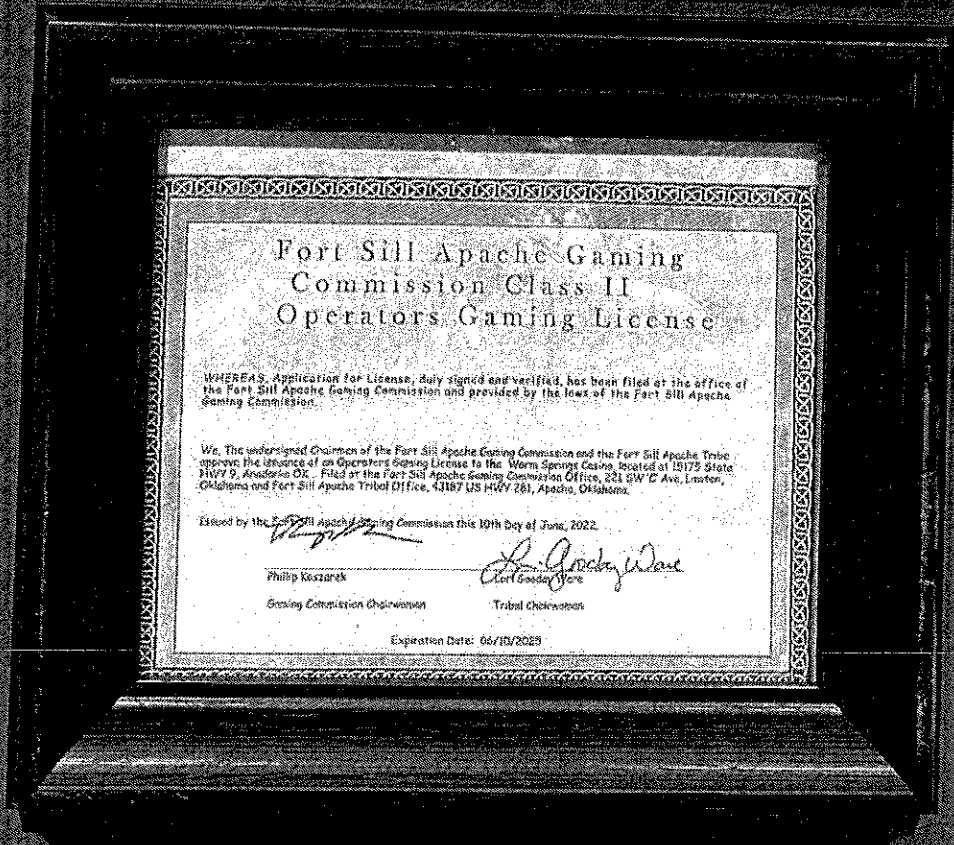
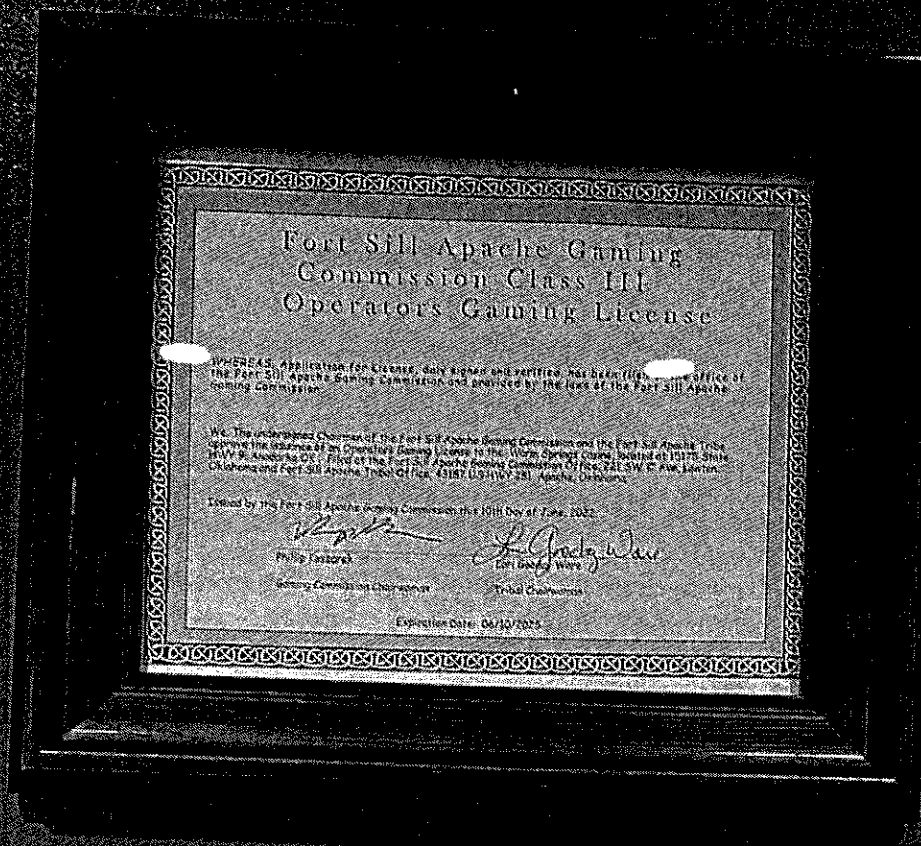


EXHIBIT
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